

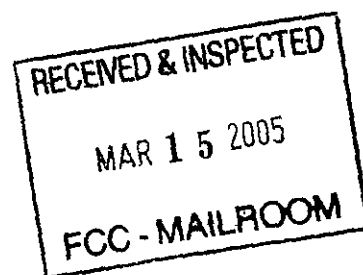
DODARO, CAMBEST & ASSOCIATES, P.C.

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DOCKET FILE COPY ORIGINAL

March 11, 2005

**VIA FEDERAL EXPRESS - 8480 8807 6525 and**  
**VIA FACSIMILE (202) 418-0232**

Darryl Cooper  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, D.C. 20554

**Re: Borough of Blawnox/Fiber Technologies Networks, LLC**  
**WC Docket No. 03-37;**  
**Amended Motion to Dismiss Petition for Section 253 Preemption**

Dear Mr. Cooper:

Enclosed please find the Borough of Blawnox's Amended Motion to Dismiss Petition for Section 253 Preemption. Please file the same on behalf of the Borough of Blawnox.

Thank you in advance for your cooperation in this matter.

Very truly yours,

DODARO, CAMBEST & ASSOCIATES, P.C.

  
John F. Cambest

JFC/jg  
Enclosure

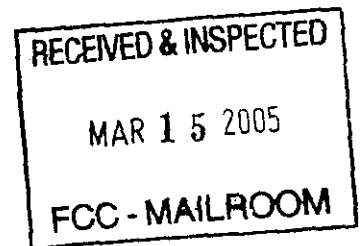
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cc: Fiber Tech (w/encl.)

J:\clients\B\blawnox\RightofWay Ordinance\Ltr. to FCC encl. our Amended Motion to Dismiss 3-11-05.doc

Borough of Blawnox  
March 11, 2005  
County of Allegheny, Pennsylvania

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554



In the Matter of	)	
	)	WC Docket No. 03-37
FIBER TECHNOLOGIES NETWORKS,	)	
LLC	)	
	)	
Amended Motion to Dismiss Petition	)	
for Section 253 Preemption	)	

**AMENDED MOTION TO DISMISS PETITION FOR SECTION 253**  
**PREEMPTION**

Submitted By:

John F. Cambest, Esquire  
Dodaro Cambest & Associates, P.C.  
1001 Ardmore Boulevard, Suite 100  
Pittsburgh, PA 15221-5233  
Phone No.(412) 243-1600

Borough of Blawnox  
1001 Ardmore Boulevard, Suite 100  
Pittsburgh, PA 15221-5233

Dated: March 11, 2005

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of	)	
	)	WC Docket No. 03-37
FIBER TECHNOLOGIES NETWORKS,	)	
LLC	)	
	)	
Amended Motion to Dismiss Petition	)	
for Section 253 Preemption	)	

To: The Commission:

**AMENDED MOTION TO DISMISS PETITION FOR SECTION 253**  
**PREEMPTION**

The Borough of Blawnox, respectfully submits this Amended Motion to Dismiss the Petition for Preemption Pursuant to Section 253 of the Federal Communications Act filed by the Complainant, and in support thereof states as follows:

1. On or about January 30, 2003, the Complainant filed a Petition for Section 253 Preemption pursuant to Section 253 of the Federal Communications Act of 1934, as amended. 47 U.S.C., Section 253.
2. During the course of the proceedings, counsel for the Complainant and counsel for the Borough of Blawnox have engaged in settlement discussions which resulted in the Borough of Blawnox rescinding the Borough's Ordinance No. 529 (See Exhibit "A" and Exhibit "B" of the Petition) and adopting Ordinance No. 542 and Resolution No. 2004-13, which the Borough of Blawnox believes addresses the issues raised by the Complainant and therefore renders their Petition moot. Copies of

Ordinance No. 542 and Resolution 2004-13 are attached hereto as Exhibits "1" and "2" respectively.

3. As of December 31, 2004, neither the Complainant nor any other individual has filed an appeal from the adoption of Ordinance No. 542 and Resolution No. 2004-13, pursuant to the Borough Code, 53 PS. Section 46010, as amended.

Therefore, the Borough of Blawnox respectfully requests the following relief:

- (a) That the Commission dismiss the Petition filed by the Complainant for preemption pursuant to Section 253 of the Federal Communications Act of 1934, as amended, as moot

Respectfully submitted,

BOROUGH OF BLAWNOX

By John F. Cambest  
John F. Cambest, Esquire  
PA ID No. 20134

Dodaro Cambest & Associates, P.C.  
1001 Ardmore Boulevard, Suite 100  
Pittsburgh, PA 15221-5233  
Phone No. (412) 243-1600


Solicitor - Borough of Blawnox

March 11, 2005

**CERTIFICATE OF SERVICE**

I hereby certify that on March 11, 2005, I served a copy of the foregoing on the persons listed below by depositing a copy of same in the U.S. Mail, with first class postage paid to

Charles B. Stockdale, V.P. & Corporate Counsel  
Robert T. Witthauer, Deputy Corporate Counsel  
Fibertech Networks, LLC  
140 Allens Creek Road  
Rochester, New York 14618

  
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